



IFW

629,415

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Todd R. Burkey	Examiner:	Yaima Campos
Serial No.:	10/629,415	Group Art Unit:	2185
Filing Date:	July 29, 2003	Docket No.:	3916
Title	Method, Apparatus and Program Storage Device for Dynamically Resizing Mirrored Virtual Disks in a Raid Storage System		

Date of Deposit: 8-18-08

I hereby certify that this paper is being facsimile transmitted to the USPTO or deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450

Signature: Mary S. Keller  
Printed Name: Mary S. Keller

**OFFICE COMMUNICATION**

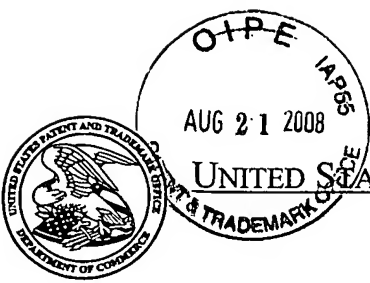
Commissioner for Patents  
Alexandria, VA 22313

Enclosed please find a copy of the Notice Requiring Excess Claim Fees mailed on August 12, 2008. This Communication authorizes the Patent Office to charge the appropriate fees for excess claims to Deposit Account No. 500246.

Respectfully submitted,  
XIOTECH CORPORATION  
By its attorneys:

Date: 8/18/2008

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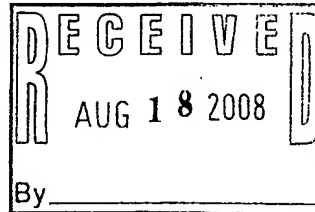
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21834 e 08/12/2008

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Paper No.

Application No.:	10/629,415	Date Mailed:	08/12/2008
			
First Named Inventor:	Burkey, Todd, R.	Examiner:	CAMPOS, YAIMA
Attorney Docket No.:	3916	Art Unit:	2185
Confirmation No.:	5964	Filing Date:	07/29/2003

Please find attached an Office communication concerning this application or proceeding.

Commissioner for Patents



**NOTICE REQUIRING EXCESS CLAIMS  
FEES**

Application No.

10/629,415

Applicant(s)

BURKEY, TODD R.

Art Unit

3998

The excess claim(s) filed on 07 July, 2008 is not accompanied by the appropriate payment of excess claims fees set forth in 37 CFR 1.16(h)-(j) or 1.492(d)-(f). Excess claims fees are required for each claim in independent form in excess of three (§ 1.16(h)), each claim (whether dependent or independent) in excess of twenty (note that § 1.75(c) indicates how multiple dependent claims are considered for fee calculation purposes) (§ 1.16(i)), and each application that contains a multiple dependent claim (§ 1.16(j)).

Since the application is not under a final rejection, applicant is given a time period of **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, to submit either: (1) the fee payment of \$ 210.00, or (2) an amendment in compliance with 37 CFR 1.121 that cancels the excess claim(s), in order to avoid ABANDONMENT. Extensions of this time period may be granted under 37 CFR 1.136, unless the excess claim(s) was presented in a preliminary amendment.

- ☐ 1. The funds in Deposit Account No. \_\_\_\_\_ are insufficient to cover the entire fee due. The balance is due within the time period set forth in this notice. See note below regarding the appropriate service charge.
- ☐ 2. The Credit Card payment to cover the entire fee due to Account \_\_\_\_\_ (Card type + last 4 digits ONLY) was refused. The balance is due within the time period set forth in this notice. See note below regarding the appropriate service charge.
- ☒ 3. The amendment that includes the excess claim(s) has not been entered, since applicant has failed to remit (or authorize charge to a Deposit Account or Credit Card) the fee as indicated on the attached Patent Application Fee Determination Record (PTO/SB/06). Remittance or authorization is due within the time period set forth in this notice.
- ☐ 4. The fee submitted in this application is insufficient. A balance of \$ \_\_\_\_\_ is due for presentation of excess claims (37 CFR 1.16(h)-(j) or 1.492(d)-(f)).
- ☒ 5. Other.

Explanation (Provide specific details of the required correction in order to assist the applicant. Indicate whether a service charge has been added to the fee due): need fee for 210 for extra independed claim

THE AMOUNT OF THE FEE(S) DUE IS SUBJECT TO CHANGE, GENERALLY ON OCTOBER 1 OF EACH YEAR (37 CFR 1.16, 1.21 & 1.492). THE AMOUNT OF THE FEE(S) DUE IS DETERMINED AS OF THE DATE A COMPLETE REPLY WITH THE APPROPRIATE FEE(S) IS RECEIVED BY THE OFFICE (37 CFR 1.8 & 1.10). BECAUSE THE AMOUNT DUE IS SUBJECT TO CHANGE, IT IS RECOMMENDED THAT APPLICANT CHECK THE CURRENT FEE SCHEDULE WHICH IS AVAILABLE ON THE USPTO'S WEBSITE AT: <http://www.uspto.gov/web/offices/ac/qs/ope/fees.htm>

**Service Charges:** There is a \$50 service charge for processing each payment refused (including a check returned "unpaid") or charged back by a financial institution (37 CFR 1.21(m)). There is a \$25.00 service charge for each month when the balance of a deposit account is below \$1000 at the end of the month (37 CFR 1.21(b)(2)).

Technical Support Staff (TSS): /JACQULYN L.  
WILLIAMS/

Phone Number: (571)272-1640

**Note to TSS: Please do NOT use this notice if the application is under a final rejection.**